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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,348	04/27/1999	DOUGLAS E. MEISNER	07844/334001	4364

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EXAMINER	
POKRZYWA, JOSEPH R	
ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/300,348	MEISNER ET AL.	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to because of the problems discussed in the attached PTO-948. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-5, and 18-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiarto *et al.* (U.S. Patent Number 6,278,449).

Regarding ***claim 1***, Sugiarto discloses a method of preparing an image for downloading over a link (see abstract) comprising receiving a user selection for an image to prepare (column 4, lines 12 through 35, and column 5, line 56 through column 6, line 40), retrieving current user settings reflective of desired settings for compressing the image (column 26 through 38, and column 6, lines 41 through 51), and automatically presenting a plurality of variations of the image to the user where each variation is derived using compression settings that are scaled from the current user settings (see Fig. 6, column 6, lines 41 through 65).

Regarding ***claim 2***, Sugiarto discloses the method discussed above in claim 1, and further teaches of estimating an amount of time required to download a given variation to the user where the estimated time is calculated from an assumed transmission rate of the link (see Fig. 6, time 620, column 6, lines 34 through 65).

Regarding ***claim 3***, Sugiarto discloses the method discussed above in claim 1, and further teaches of determining a file format for the image (column 3, lines 52 through 57) and using the current user settings designated for the file format in presenting a representation of the image (column 5, line 56 through column 6, line 65, column 7, lines 32 through 55, and column 8, line 51 through column 9, line 6).

Regarding ***claim 4***, Sugiarto discloses the method discussed above in claim 3, and further teaches that the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data (column 8, line 51 through column 9, line 6).

Regarding ***claim 5***, Sugiarto discloses the method discussed above in claim 4, and further teaches of the step of determining an optimum file format for the image includes determining a predominant form for objects in the image (column 3, lines 52 through 57, and column 4, lines 35 through 53, seen in Fig. 7) and the step of automatically presenting includes scaling compression settings from the current user settings where the particular settings that are scaled depend on the predominant form of the image (see Fig. 7, and column 6, lines 41 through 51, wherein the particular compression settings depend on the most predominant web page portion).

Regarding ***claim 18***, Sugiarto discloses the method discussed above in claim 1, and further teaches that the step of automatically presenting includes receiving a user selection that defines a number of automatically derived variations that are to be presented to the user and automatically generating the number of variations selected (column 6, lines 34 through 65).

Regarding ***claim 19***, Sugiarto discloses the method discussed above in claim 18, and further teaches of adjusting the scaling of the current user settings for each variation depending on the number of automatic variations that are to be presented (column 6, lines 34 through 65).

Regarding ***claim 20***, Sugiarto discloses the method discussed above in claim 1, and further teaches of displaying the image at the current user settings (see Fig. 6, column 34 through 65).

Regarding ***claim 21***, Sugiarto discloses the method discussed above in claim 20, and further teaches of displaying the image at current user defined compression settings along with three variations in a four-up orientation on an output display device (see Fig. 3, column 6, lines 34 through 59, and column 7, line 56 through column 8, line 19).

Regarding ***claim 22***, Sugiarto discloses the method discussed above in claim 1, and further teaches of a first variation is generated by scaling the current user settings (column 5, line 39 through column 6, line 54) and a second variation is derived by scaling the scaled user settings used in deriving the first variation (see Fig. 6, column 6, lines 41 through 65).

Regarding ***claim 23***, Sugiarto discloses the method discussed above in claim 1, and further teaches of receiving user modifications to the current user settings used to derive a variation and redisplaying the variation at a compression level using the modified user settings (column 6, lines 41 through 59).

Regarding ***claim 24***, Sugiarto discloses the method discussed above in claim 23, and further teaches of recalculating settings for each variation using the modified user settings and redisplaying each variation at a compression level using modified user settings (see Fig. 6, column 6, lines 34 through 65).

Regarding ***claim 25***, Sugiarto discloses the method discussed above in claim 1, and further teaches that each variation is a smaller and lower quality version of the image when produced using the current user settings (see Fig. 6, column 6, lines 34 through 59).

Regarding ***claim 26***, Sugiarto discloses the method discussed above in claim 1, and further teaches that the estimated download time is presented along with each variation of the image (see Fig. 6, time 620).

Regarding ***claim 27***, Sugiarto discloses a computer program (column 4, line 59 through column 5, line 8, and column 9, lines 1 through 29) for preparing an image for downloading over a link (see abstract), the computer program includes instructions for causing the computer to receive a user selection for an image to prepare (column 4, lines 12 through 35, and column 5,

line 56 through column 6, line 40), retrieve current user settings reflective of desired settings for compressing the image (column 26 through 38, and column 6, lines 41 through 51), and automatically present a plurality of variations of the image to the user where each variation is derived using compression settings that are scaled from the current user settings (see Fig. 6, column 6, lines 41 through 65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 6-8, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto *et al.* (U.S. Patent Number 6,278,449) in view of Boezeman *et al.* (U.S. Patent Number 6,012,068).

Regarding ***claim 6***, Sugiarto discloses the method discussed above in claim 5, but fails to particularly teach if the predominant form is selected from the group of photographic and line art. Boezeman discloses a method of preparing an image for downloading over a link (column 8, lines 27 through 60, and column10, lines 49 through 65) comprising receiving a user selection for an image to prepare (column 8, lines 38 through 46), retrieving current user settings reflective of desired settings for compressing the image (column 8, line 54 through column 9, line 45), and automatically presenting variations of the image using compression settings that are scaled from the current user settings (column 10, lines 49 through 55). Further, Boezeman teaches of

determining a file format for the image (column 9, lines 33 through 40) and using the current user settings designated for the file format in presenting a representation of the image (column 8, line 54 through column 9, line 45), wherein the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data (column 8, line 54 through column 9, line 45), the step of determining an optimum file format for the image includes determining a predominant form for objects in the image (column 8, line 54 through column 9, line 45) and the step of automatically presenting includes scaling compression settings from the current user settings where the particular settings that are scaled depend on the predominant form of the image (column 10, lines 49 through 65). Continuing, Boezeman further teaches that predominant form is selected from the group of photographic and line art (column 9, lines 34 through column 10, line 55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding ***claim*** *7*, Sugiarto and Boezeman disclose the method discussed above in claim 6, and Boezeman further teaches of determining if the predominant form is photographic and if so, setting the optimum file format to a JPEG/JFIF format (column 9, lines 34 through 50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding ***claim 8***, Sugiarto and Boezeman disclose the method discussed above in claim 6, and Boezeman further teaches of determining if the predominant form is line-art and if so, setting the optimum file format to a GIF format (column 9, line 34 through column 10, line 14, wherein line-art, being simple graphics such as lines, curves, and shapes, are well known in the art to inherently be in a GIF format). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding ***claim 16***, Sugiarto discloses the method discussed above in claim 4, but fails to particularly teach of inspecting the image to determine if any pixel in the image is transparent, and if so, setting the optimum file format to a GIF format. Boezeman discloses a method of preparing an image for downloading over a link (column 8, lines 27 through 60, and column10, lines 49 through 65) comprising receiving a user selection for an image to prepare (column 8, lines 38 through 46), retrieving current user settings reflective of desired settings for compressing the image (column 8, line 54 through column 9, line 45), and automatically presenting variations of the image using compression settings that are scaled from the current user settings (column 10, lines 49 through 55). Further, Boezeman teaches of determining a file format for the image (column 9, lines 33 through 40) and using the current user settings designated for the file format in presenting a representation of the image (column 8, line 54 through column 9, line 45), wherein the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data (column 8, line 54 through column 9, line 45). Continuing, Boezeman further teaches that the step of determining

an optimum file format includes inspecting the image to determine if any pixel in the image is transparent, and if so, setting the optimum file format to a GIF format (column 9, line 37 through column 10, line 14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding ***claim 17***, Sugiarto discloses the method discussed above in claim 4, but fails to teach of inspecting the image to determine if the image includes more than one animation frame, and if so, setting the optimum file format to a GIF format. Boezeman discloses a method (discussed above in claim 16), comprising the step of determining an optimum file format includes inspecting the image to determine if the image includes more than one animation frame, and if so, setting the optimum file format to a GIF format (column 9, line 37 through column 10, line 14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

6. **Claims 9-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto *et al.* (U.S. Patent Number 6,278,449) in view of Rhoads (U.S. Patent Number 5,748,763).

Regarding ***claim 9***, Sugiarto discloses the method discussed above in claim 4, but fails to specifically teach of calculating an amount of noise in the image, setting the optimum file format to a JFIF format if the amount of noise is above a predefined threshold, and otherwise setting the

optimum file format to a GIF format. Rhoads teaches of determining an optimum format by calculating an amount of noise in the image (column 42, lines 13 through 51), setting the optimum file format to a JFIF format (being JPEG File Interchange Format) if the amount of noise is above a predefined threshold, and otherwise setting the optimum file format to a GIF format (column 57, lines 10 through 37). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding ***claim 10***, Sugiarto and Rhoads disclose the method discussed above in claim 9, and Rhoads further teaches that the step of calculating an amount of noise includes for each pixel in the image, comparing a relative color change between the pixel and one or more adjacent pixels to derive relative color change data (column 38, lines 28 through 54), determining an overall color change for the image using the relative color change data for each pixel (column 35, lines 10 through 40, and column 39, line 9 through column 40, line 24), and comparing the overall color change to the threshold value (column 38, lines 28 through 54, and column 39, line 52 through column 40, line 24). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding ***claim 11***, Sugiarto and Rhoads disclose the method discussed above in claim 10, and Rhoads further teaches that the step of comparing the relative color change includes deriving a first set of color change data for a pixel by comparing the color of the pixel with a

pixel immediately next in raster order (column 17, lines column 28, lines 10 through 27, and column 38, lines 28 through 54). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding ***claim 12***, Sugiarto and Rhoads disclose the method discussed above in claim 11, and Rhoads further teaches that the step of comparing the relative color change includes deriving a second set of color change data for the pixel by comparing the color of the pixel with a pixel at a same location in a next scanline of pixels for the image (column 21, line 52 through column 22, line 3, and column 34, line 54 through column 35, line 40, and column 38, lines 28 through 54). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding ***claim 13***, Sugiarto and Rhoads disclose the method discussed above in claim 12, and Rhoads further teaches that the step of determining an overall color change includes for each color change data set, summing all the color change data and averaging over the image (column 21, line 8 through column 22, line 3). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding ***claim 14***, Sugiarto and Rhoads disclose the method discussed above in claim 9, and Rhoads further teaches that the step of determining an overall color change includes summing all the color change data for the image and averaging over the image (column 10, lines 11 through 41). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding ***claim 15***, Sugiarto and Rhoads disclose the method discussed above in claim 9, and Rhoads further teaches that the step of comparing a relative color change determines an actual color difference irrespective of a perceptual color difference (column 8, line 50 through column 9, line 12). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jebens *et al.* (U.S. Patent Number 6,321,231) discloses a system for communicating information having various types of compression formats;

Seymour *et al.* (U.S. patent Number 6,141,454) discloses a system that uses data compression in digitized topology data.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.R.P.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp
January 11, 2003

MADELEINE NGUYEN
PATENT EXAMINER
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